

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

<p>ROLAND CHEMTOB,</p> <p style="text-align: right;"><i>Plaintiff,</i></p> <p style="text-align: center;">vs.</p> <p>GOOGLE, LLC, a Delaware Limited Liability Company; and DOES 1-10,</p> <p style="text-align: right;"><i>Defendants.</i></p>	<p>Index No:</p> <p style="text-align: center;"><b><u>SUMMONS</u></b></p>
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**TO THE ABOVE NAMED DEFENDANT:**

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this Action and to serve a copy of your Answer on the plaintiff's attorneys within 20 days after service of the summons (or within 30 days after service is complete if the summons is not personally delivered to you within the State of New York), and, in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Brooklyn, New York  
August 10, 2018

**Lewis & Lin, LLC**

/s/ Justin Mercer

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<p>ROLAND CHEMTOB,</p> <p style="text-align: right;"><i>Plaintiff,</i></p> <p style="text-align: center;">vs.</p> <p>GOOGLE, LLC, a Delaware Limited Liability Company; and DOES 1-10,</p> <p style="text-align: right;"><i>Defendant.</i></p>	<p>Index No:</p> <p style="text-align: center;"><b><u>VERIFIED COMPLAINT</u></b></p>
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Plaintiff Roland Chemtob (“Chemtob” or “Plaintiff”) by his attorneys Lewis & Lin LLC, for his Complaint against Defendant Google, LLC (“Google” or “Defendant”), alleges as follows:

**STATEMENT OF CASE**

1. This is an action for injunctive relief and damages arising from the hacking of Plaintiff’s T-Mobile SIM card, and subsequent conversion and misappropriation of Plaintiff’s Gmail account, which holds the keys to Plaintiff’s digital identity. Defendant Google has unreasonably refused to restore Plaintiff’s Gmail account to Plaintiff, allowing hackers to wreak havoc with Plaintiff’s personal and financial information.

**PARTIES**

2. Plaintiff Roland Chemtob is a private individual residing in the State of New York, County of New York.

3. Upon information and belief, Defendant Google is a Delaware Limited Liability Company with its principal place of business in Santa Clara County, California. Upon further information and belief, Google also maintains offices in Manhattan, where it employs over 6,000 workers, and has generated billions of dollars in revenues from the use of its ubiquitous search

engine and related products and services from customers located in New York County.

4. Upon information and belief, John Doe(s) is/are the hacker(s) responsible for inducing T-Mobile US, Inc. ("T-Mobile") to swap Plaintiff's SIM card in T-Mobile's system and compromising Plaintiff's Google Gmail account. While, John Doe's whereabouts are unknown, upon further information and belief, Google has, in its exclusive possession, information sufficient to identify John Doe's IP addresses, address, other phone number(s) and/or other email address(es) used in connection with the hijacking herein.

### **JURISDICTION AND VENUE**

5. This Court has personal jurisdiction over Defendant pursuant to CPLR 301 – Google has offices in this jurisdiction, and employs over 6,000 employees at those offices. Google also contracted with Plaintiff to provide services in this jurisdiction, and does substantial and continuous business in New York County.

6. Even if Google were not physically present in this jurisdiction, it would be subject to the Court's jurisdiction pursuant to CPLR 302. Upon information and belief, Google owns real property in this County. Further, upon information and belief, Google owns roughly 90% of the search engine market, and Google's search engine is used by millions of New Yorkers on a daily basis to search the Internet. Google targets users in New York County for its services.

7. Venue is proper in New York County pursuant to CPLR 503(a) as Google resides in this county, or, in the alternative, a substantial portion of the events leading the claims herein occurred in this county.

### **BACKGROUND COMMON TO ALL CLAIMS**

8. Plaintiff is a customer of T-Mobile.

9. On August 7, 2018, at about 8 o'clock pm in the evening, Plaintiff's New York

City-area code, T-Mobile cell phone number, (917) 8\*\*-\*\*\*1, was hacked into and service on Plaintiff's phone stopped.

10. Plaintiff immediately contacted T-Mobile and was informed that his SIM card was changed in T-Mobile's system, and was now being used by someone with a phone number located in Washington, DC (the "Cloned Phone").

11. Realizing that his phone had been hacked, Plaintiff took immediate steps to protect his digital identity. First, Plaintiff was able to successfully have T-Mobile to restore the proper serial number to the SIM card in T-Mobile's network systems in order to recover control of his phone, phone number and all data/digital communication abilities on his cell phone. Plaintiff's cell phone was re-activated within 60 minutes of Chemtob's second contact with T-Mobile.

12. Then, Chemtob tried to log into his email address, [Rolandc@gmail.com](mailto:Rolandc@gmail.com) (the "Email Account"), through a Wi-Fi connection, but the password for his Google Gmail account had already been changed by the hacker and was not working.

13. Until it was hacked less than 72 hours ago, Plaintiff is and has been the true and rightful owner of the Email Account.

14. Plaintiff next attempted to reset his Gmail password. Plaintiff was advised by the Gmail login reset page that an authentication code would be texted to his phone, but the text message resolved at the Cloned Phone, not Plaintiff's.

15. Plaintiff later learned that all of his recovery email addresses were forwarding back to the hacked Email Account.

16. When Plaintiff followed Google's recovery procedures (no less than 8 times) the following morning, he learned that, not only was his phone compromised, but all of his email

addresses were also compromised at Gmail. In other words, the authentication process used by Google to reset his password to enter his Gmail account was no longer valid, because his cell phone number was reporting to another phone.

17. Each and every attempt made by Plaintiff recover his account, by way of re-setting his password, using Google's processes and procedures failed, as the authentication codes were forwarded to and authenticated by the hacker, John Doe.

18. Google sent Chemtob an email (to another Google-hosted email account managed by Plaintiff) stating that it could not authenticate him as the owner of his own hacked Email Account, notwithstanding the fact that Plaintiffs other Google-hosted email account (deliberately set up by Plaintiff for email recovery procedures such as this) used similar IP addresses/location information as did the Email Account. Instead, Google sent him *another* email link of the same type that had previously failed to authenticate Plaintiff, as if it was generating authentication codes to the hacker.

19. Upon information and belief, the hacker (John Doe) intercepted those communications from Google intended for Plaintiff (the true account owner), impersonated Plaintiff and "verified" and/or ignored various authentication codes from Google— notwithstanding the fact that the hacker's device, IP address and location information are and would have been inconsistent with Plaintiff's IP addresses/location information.

20. Google suggested opening a new account, and stated that no proof of identity – not even Government-issued identification and passports – would be accepted to prove who Plaintiff was.

21. Walking away from 12 years of Plaintiff's personal communications, confidential and commercial business emails, records, and documents is simply not a viable or reasonable

option.

22. As a result of Google's failure to restore Plaintiff's access to Plaintiff's Gmail account, hackers continue to have access to Plaintiff's personal, business and financial emails, as well as digital copies of passports and account login information to Plaintiff's domain name portfolio.

23. Indeed, the hacker raided Plaintiff's account of premium, high value domain names and placed the names in the account for sale. The hacker solicited payment in untraceable Bitcoin. A \$70,000 offer was made on at least one high profile domain name, but Plaintiff was able to have his domain name account locked by Plaintiff's registrar before any sales could be completed.

24. As a result of Google's inaction and failure to restore Plaintiff's account, despite clear evidence that the account has been hacked, Google is assisting the hackers to perpetuate frauds on Plaintiff, as well as other innocent third parties.

25. The Hackers have full access to Plaintiff's email accounts and entire contacts list, and, are already impersonating Plaintiff's identity. In other cases of SIM card hacking, hackers have used such contacts to make unauthorized bank wire transfers and solicit friends and business contacts for money, posing as the victim of the identity theft.

26. The hacker's continuing possession of Plaintiff's email account, which contains Plaintiff's personal and business information, is doing irreparable harm to Plaintiff.

27. Chillingly, Plaintiff received a telephone call on the evening of August 8, 2018, from a private number asking him to pay a ransom to get his account back.

28. Plaintiff notified Google and Gmail of these facts and received no response.

29. Plaintiff seeks a temporary and permanent injunction against Google, ordering

Google to terminate the hacker's access to Plaintiff's Gmail account and restore account access to Plaintiff, with all of Plaintiff's emails and data intact.

**FIRST CAUSE OF ACTION**  
**DECLARATORY JUDGMENT**

30. Plaintiff realleges and incorporates by reference Paragraphs 1 through 29 as though fully set forth here.

31. Plaintiff is the rightful owner and user of the Email Account.

32. That Email Account has been hacked, and is being misappropriated and converted by John Does, 1-10.

33. Google has failed and refused to restore Plaintiff's access to his Email Account.

34. A justiciable controversy exists between Plaintiff, John Does, 1-10, and Google.

35. To resolve this actual controversy, Plaintiff seeks a declaration and judgment that he is the rightful registered user of the Email Account, and seeks an Order of this Court cutting off the hacker's access and restoring access to the account to Plaintiff.

**SECOND CAUSE OF ACTION**  
**TRESPASS TO CHATTELS**  
**(against John Does 1-10)**

36. Plaintiff repeats and incorporates herein by reference each and every one of the allegations contained in paragraphs 1 through 29, with the same force and effect as if set forth in detail herein again.

37. At all relevant times herein, Plaintiff held a possessory interest in its Email Account and communications, the intrinsic value of which was based in part upon the confidential and private nature of the communications and documents.

38. Through John Doe, 1-10's, aforementioned actions, Defendant(s) intentionally intermeddled with Plaintiff's possessory interest in the email communications stored with Google,

which communications contain private, personal and financial information.

39. By intermeddling with Plaintiff's property, Defendant(s) dispossessed Plaintiff of the confidential and private aspects of said communications and used the information contained therein for their personal gain, thereby impairing the condition, quality and value of Plaintiff's property.

40. As a result of said trespass, Defendant(s) conducted themselves in a manner that was malicious, oppressive, outrageous, willful, wanton, reckless and abusive such that would entitle Plaintiff to compensatory and punitive damages, in an amount to be proved at trial, including compensation for any financial losses, as well as Plaintiff's time, effort and attorney's fees.

**THIRD CLAIM FOR RELIEF**  
**CONVERSION**  
**(Against John Does, 1-10)**

41. Plaintiff repeats and incorporates herein by reference each and every one of the allegations contained in paragraphs 1 through 26, with the same force and effect as if set forth in detail herein again.

42. The Email Account was rightfully created by Plaintiff with Gmail, and was in good standing at the time that it was misappropriated by Defendants. Plaintiff never authorized its transfer to Defendants, or any other party, and never authorized Defendants to access it.

43. Plaintiff is the rightful holder of the Email Account.

44. As such, Plaintiff had the right to immediate possession of the Email Account at the time that it was hijacked by Defendants.

45. By stealing the Email Account from Plaintiff, Defendant(s) exercised wrongful dominion or control over the Email Account in denial of and inconsistent with Plaintiff's rights



therein.

46. As of the date of this complaint, Defendants still maintain control over Plaintiff's Email Account.

47. On the evening of August 8, 2018, Plaintiff received a telephone call from an anonymous caller, soliciting a ransom to return Plaintiff's account to him.

48. As a result of said conversion, Defendant(s) conducted themselves in a manner that was malicious, oppressive, outrageous, willful, wanton, reckless and abusive such that would entitle Plaintiff to compensatory and punitive damages, in an amount to be proved at trial, including compensation for Plaintiff's time, effort and attorney's fees.

49. Furthermore, Plaintiff is entitled to injunctive relief of return and transfer of the Email Account from Defendant(s) to Plaintiff Chemtob.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff pray for judgment against Defendant awarding Plaintiff:

1. a Permanent Injunction enjoining and restraining Defendants from allowing the hacker or anyone working in concert with the hacker from accessing Plaintiff's email accounts, and awarding Plaintiff sole control over and use of such accounts;
2. Award Plaintiff compensatory damages against Defendant John Does, 1-10, according to proof at trial but in an amount not less than \$1,000,000.00;
3. attorney's fees and costs as permitted by law; and
4. such other relief as the Court deems just and equitable under the circumstances.

Dated: Brooklyn, New York  
August 10, 2018

Respectfully submitted,

**Lewis & Lin, LLC**

/s Justin Mercer

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*Attorneys for Plaintiff*

**VERIFICATION**

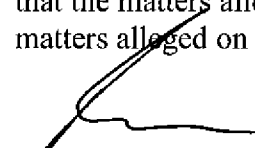
STATE OF NEW YORK )

ss:

COUNTY OF NEW YORK )

I, Roland Chemtob, declare under penalty of perjury that:

1. I am the Plaintiff in the above action. I have read the foregoing complaint and state that the matters alleged therein are true based upon my knowledge, except as to matters alleged on information and belief, and as to those matters I believe to be true.

  
\_\_\_\_\_  
ROLAND CHEMTOB